

EXHIBIT C

Rockwood PD Case Report

Summary

Print Date/Time: 04/17/2015 11:10
 Login ID: ckrause3
 Case Number: 2015-00001378

Rockwood Police Department
 ORI Number: MI8270500

Case

Case Number: 2015-00001378
 Location: 14680 GIBRALTAR RD apt 16
 Gibraltar, MI -
 Michigan 48173
 Reporting Officer ID: M2286 - Mitchell

Incident Type: Assist Other Department
 Occurred From: 04/16/2015 03:28
 Occurred Thru: 04/16/2015 03:28
 Disposition:
 Disposition Date:
 Reported Date: 04/16/2015 03:28 Thursday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Informational	1	Hust, Patricia Dawn	14680 GIBRALTAR RD APT 12 Gibraltar, MI - Michigan 48173		White	Female	
Suspect/Arrestee	1	Kapuscinski, David Michael	5422 MICHAEL ST DEARBORN HEIGHTS, MI - Michigan 48125		White	Male	07/08/1975 39
Victim	1	Beneteau, Christina Louise	14680 GIBRALTAR RD APT. 16 Gibraltar, MI - Michigan 48173		White	Female	02/05/1971 44

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Routing:



*ROCKWOOD POLICE DEPARTMENT
ORIGINAL COMPLAINT*



Complaint #	15-1378	Officer	N. Mitchell	Date/Time	04/16/15@0328
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Information:

On 04/16/15 at approximately 0328 hours, Officer Gary Robinson of the Gibraltar Police Department and I were talking in the parking lot of Carlson High School when he was dispatched to 14680 Middle Gibraltar Road in regards to a domestic violence in progress. Officer Robinson asked me if I would assist him and I agreed to. This is standard practice of both departments. Gibraltar's Dispatcher requested the Trenton Police Department to assist as well and Officer Robinson told her over the radio that I was going to the scene to assist.

Investigation:

Upon arrival, we met with a juvenile male who was holding the door open to the apartment building. The juvenile appeared highly upset and was crying. He led us to the apartment upstairs and then went back downstairs and said he would wait down there because he was scared.

Officer Robinson knocked on the door to the apartment, and a juvenile female answered the door. Officer Robinson asked her where the fight was occurring. The juvenile female also appeared highly upset and was crying.

Officer Robinson and I entered the apartment, which was in disarray. There were clothes thrown all over apartment and various objects thrown on to the floor. After entering the apartment, we could hear what sounded like someone gasping for air. We then heard a male voice telling someone that he was going to kill them. The voice stated this multiple times. I am unsure if he stated "I am going to kill her" or "I will kill you", it was a variation of that.

The voice was coming from the back bed room. Officer Robinson and I entered the back bedroom of the apartment. We observed a fully nude male and a female nude from the waist down on the bed. The male had the female's neck between his legs and was squeezing her neck choking the female. At this point, I feared that if the male continued this action, the female would lose her life. Through my training and experience, it appeared to me that the male was under the influence of an unknown substance. The male was highly aggressive and had a look on his face that I can only describe as complete rage and aggression.

Signature _____ Reviewed by _____



*ROCKWOOD POLICE DEPARTMENT
ORIGINAL COMPLAINT*



Officer Robinson gave the male several verbal commands to get off of the female. The male ignored all verbal commands. At this point, Officer Robinson deployed his TASER. Officer Robinson struck the male with one probe from his TASER and the second probe missed. This was enough to get the male and the female to separate, however the male was not under any power from the TASER. The female was able to break loose and fled the room. The male was then on the floor and kicking and being aggressive towards us. The verbal commands from Officer Robinson to put his hands behind his back were not followed. The male attempted to get up. Fearing further physical confrontation I deployed my TASER. I was able to hit the male with my TASER successfully. One probe went into the male's chest and the other went into is lower abdomen. During the course of this incident, I applied only one-five second cycle from my TASER.

At this point, Officer Robinson was able to handcuff the male, while I immediately advised Gibraltar's Dispatch to send an ambulance per Department procedure. At this point, the male was still moving and breathing.

After TASER actions:

After deploying the TASER, Officer Robinson and I monitored the male while waiting for rescue. The male was turned onto his right side in the recovery position. While in this position, the male was still breathing and Officer Robinson found a pulse on him, but he was not responding to us.

Officer Robinson asked his Dispatcher to request the Fire Department to move a little bit quicker and then requested Brownstown Township Fire to respond with a paramedic unit.

Shortly after, we observed that the male had stopped breathing, but still had a pulse. Officer Robinson stated that he needed a CPR mask to start rescue breaths. I told him that I would go to my car and get one. At this time, one Trenton Police Officer arrived on scene. As I was walking back in to the building, a second Trenton Police Officer arrived on scene.

I went to my car and got a CPR mask and went back into the apartment. Upon arrival back at the apartment, I observed Officer Robinson performing CPR chest compressions on the male. Officer Robinson continued to do chest compressions while I readied the CPR mask. I performed rescue breaths on the male while Officer Robinson performed the chest compressions. While kneeling next the male, I observed that I had knelt down in fecal matter and that there was fecal matter in various parts of the apartment.

Signature _____ Reviewed by _____



*ROCKWOOD POLICE DEPARTMENT
ORIGINAL COMPLAINT*



Officer Robinson performed chest compressions for several cycles until getting tired. At this point, Officer Robinson requested that I take over the chest compressions. I performed chest compressions for a few minutes until the Gibraltar Fire Department arrived on scene and continued to perform chest compressions while they readied their AED. Once their AED was ready, I stopped performing chest compressions and turned the male over to the Fire Department. I observed as the Fire Department placed the AED pads on the male and provided him with a shock.

I collected both my TASER wire and probes and Officer Robinson's TASER wire. I secured them into evidence bags. I turned Officer Robinson's TASER wire over to him and I later turned my TASER wire and probes over to Det/Sgt. Mercure who then turned it over to the Michigan State Police.

The male was then taken outside and placed in Brownstown's ambulance. He was transported to Oakwood South Shore Hospital.

Interviews:

Officer Robinson spoke with the female and the two young children about this incident.

Notification of Supervisors:

Officer Robinson requested that I stay and secure the scene while he notified his supervisor. While Officer Robinson was outside speaking with his supervisor, I heard the female tell the juvenile male to go to bed and she cleaned all the paramedic's stuff out of his room.

After returning to the apartment, I went to my patrol car and called Lt. Krause and also Det/Sgt. Mercure.

Written Statements/ Further Interviews:

Officer Robinson attempted to get a written statement from the female and juvenile male. Both written statements were approximately one sentence each. Officer Robinson requested that both parties provide a little more detail. The female seemed very uncooperative and at one point told us that she did not want the male to get in trouble.

Officer Robinson talked with the female who then told him that the male had assaulted the juvenile male and held him (juvenile) down with his (adult male) foot on the juvenile's neck.

Signature _____ Reviewed by _____



ROCKWOOD POLICE DEPARTMENT
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The female also stated that the male was attempting to force her into performing oral sex on him. At this time, the female stated he did not attempt any penetration.

We noticed that there were several pill bottles and multiple different loose pills all over the apartment. The female told us that the male takes Seroquel for Bi-polar disorder.

Interview with Neighbor:

I spoke with the neighbor in apartment 12, Patricia Dawn Hust. Hust told me that she had heard fighting going on in the apartment upstairs. Hust told me that she could hear "bodies being thrown around" and a lot of yelling, but could not make out any of the words. Hust stated that this had been going on for approximately the last hour.

Change of Clothes:

Due to kneeling in fecal matter while perming CPR, I requested permission from Lt. Krause to go home and get a change of clothes. I went to the Rockwood Police Department, where I took off my full uniform and immediately turned everything over to Det/Sgt. Mercure. Det/Sgt. Mercure provided me coveralls to wear to go home and get a change of clothes.

At the time Det/Sgt. Mercure provided me with a change of clothes, he requested that I take a Preliminary Breath Test just as a precaution. I advised him that I had not consumed any alcohol and would submit to the test. Det/Sgt. Mercure obtained a PBT reading of .000% from me. This was done in front of the camera in the Police Department garage.

Disposition:

This report is written for informational purposes. For further information on this case, see Gibraltar Police Department case number 15-1378. The scene and case were turned over to the Gibraltar Police Department.

Status:

Closed.

Signature _____ Reviewed by _____



ROCKWOOD POLICE DEPARTMENT DETECTIVE BUREAU SUPPLEMENT REPORT



Case: 15-1378

Detective/Sgt.: Mercure

Date/Time: 4/16/15

INFORMATION

On 4/16/15 at around 04:00hrs, Officer Jerry Page with the Flat Rock Police Department called my cell phone and said that he is not sure what is going on but there is a situation in Gibraltar with a Taser deployment. He said that it sounds like Ofc. Robinson and Ofc. Mitchell responded to a domestic assault, the Taser was deployed and they are doing CPR on a subject.

I called Ofc. Mitchell cell phone and got no answer. A few minutes later Ofc. Mitchell called me and told me he was on the phone with Lt. Krause when I called him and explained what had just occurred. He went on to say that while doing CPR on the subject he had got fecal matter all over his uniform and boots. I told him that I was going to come in and cover the road and for him to return to the station when he clears before going home.

I arrived at the station and several minutes later Ofc. Mitchell arrived at the station. I took his Taser, the spent cartridge, Taser wire, Taser prongs and empty CPR mask from him. I had Ofc. Mitchell take off his boots and uniform and I placed them in separate brown paper bags. I took his gun belt and the items off his shirt and secured all the items taken from Ofc. Mitchell in my office. I provided Ofc. Mitchell with a pair of coveralls, so he could go home for a change of clothes.

While speaking to Ofc. Mitchell he appeared upset, but DID NOT appear to be under the influence of drugs or alcohol. I asked him to voluntarily submit to a PBT and he did, with the result .000%BAC.

DISPOSITION

I contacted Chief Rowe and told him what had happened. I later turned over the Taser, spent cartridge, wires, prongs, CPR mask, boots, uniform pant and shirt as well as both pairs of Ofc. Mitchell hand cuffs to Det/Sgt. Mark Lesinski MSP Second District Head Quarters.

Signature

Reviewed by

TASER® USE REPORT
Rockwood Police Department

Date: 4/16/15 Time: 0328 Case Number: 15-1378

TASER Officer's Name: Mitchell Officer(s) Involved: Mitchell, Robinson

Dept Address: 32409 Fort Street Rockwood, MI. 48173 Phone: 734-379-5323

On Scene Supervisor: Robinson

Department TASER Number #1 _____ #2 ☒ #3 _____ #4 _____ (check one)

Air Cartridge Serial Number(s): _____

Air Cartridge Type(s): _____ 15-ft _____ 21-ft _____ 21-ft XP ☒ 25-ft XP(Green)

TASER Serial #: X29001012 Medical Facility: Southshore Doctor: _____

Nature of the Call or Incident: Domestic Charges: N/A Booked: Y ☒ N

Type of Subject: ☒ Human _____ Animal _____ Accidental Firing (no injury or damage)

Location of Incident: ☒ Indoor () Outdoor () Jail () Hospital () Vehicle

Type of Force Used (Check all that apply): () Physical ☒ Less-lethal () Firearm () Chemical

Nature of the Injuries and Medical Treatment Required: Became unresponsive

Admitted to Hospital for Injuries: ☒ Y ☒ N

Admitted to Hospital for Psychiatric: Y ☒ N

Medical Exam: ☒ Y ☒ N Suspect Under the influence: Alcohol / Drugs (specify): unknown

Was an Officer, Police Employee, Volunteer or Citizen Injured other than by TASER? Y / ☒ N

Incident Type (circle appropriate response(s) below):

Civil Disturbance Suicidal Suicide by Cop Violent Suspect Barricaded Warrant Other

Age: 39 Sex: Male Height: 509 Race: White Weight: 155

TASER use (circle one): Success / Failure

Suspect wearing heaving clothes: Y / ☒ N

Number of Air Cartridges fired: 1 Number of cycles applied: 1

Usage (check one): () Arc Display Only () Laser Display Only ☒ TASER Application

TASER: Is this a dart probe contact: ☒ Y / ☒ N

Is this a drive stun contact: Y / ☒ N

Approximate target distance at the time of the dart launch: 4 feet

Distance between the two probes: 15 inches

Need for an additional shot? Y / ☒ N

Did dart contacts penetrate the subject's skin? ☒ Y / ☒ N

Probes removed on scene: ☒ Y / ☒ N

Did TASER application cause injury: ☒ Y / ☒ N

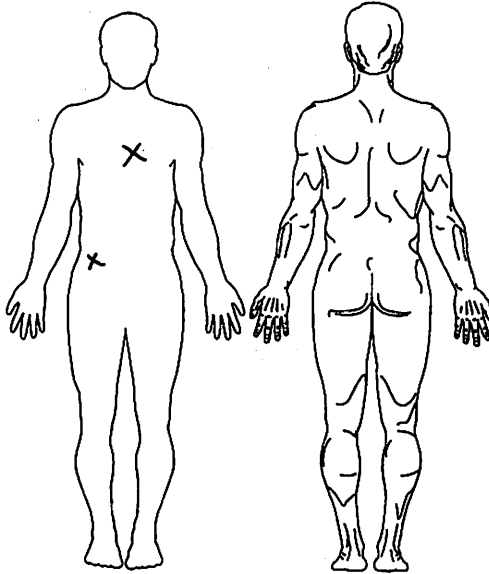
If yes, was the subject treated for the injury: ☒ Y / ☒ N

DESCRIPTION OF INJURY:

Became unresponsive and later pronounced deceased

TASER® USE REPORT

APPLICATION AREAS
(Place "X's" where probes hit suspect AND "O's" where stunned)



SYNOPSIS:

Subject was violently assaulting female. Gibraltar officer
Robinson attempted TASER and missed with one probe. Subject
came towards us and I used my TASER.

Need for additional applications? Y ☒ N Did the device respond satisfactorily? ☒ / N

If the TASER firing was unsuccessful was a DRIVE STUN follow-up used? Y ☒ / N

Describe the subject's demeanor after the device was used or displayed?

Become unresponsive. But when checked - had a pulse and was breathing

Chemical Spray: Y ☒ N

Baton or Blunt Instrument: Y ☒ N

Authorized control holds: Y ☒ N

If yes, what types: _____

Describe other means attempted to control the subject: _____

Photographs Taken: Y ☒ N

Report Completed by: Nicholas Mitchell

ADDITIONAL INFORMATION

Report Reviewed by: [Signature]

Date: 01/19/15

[illegible]

CITY OF ROCKWOOD – POLICE DEPARTMENT

OFFICERS' DAILY ACTIVITIES

DATE 4/18/15 SHIFT 1900-1100 UNIT NO. 13-3

PATROL OFFICER Mitchell MILEAGE: OFF DUTY 15597.5

TOTAL HOURS 16 ON DUTY 15997.9

TASER # T3 RIFLE # Pers TOTAL _____

C. F. 2 GAS _____

OIL _____

TRAFFIC SUMMONS ISSUED

TICKET NO.	TIME	ISSUED TO	CHARGE	LOCATION
R508169	0228	Luke Jonathan Bunge	82/70	NB/HARD

CARS AND PERSON INVESTIGATED

TIME	CAR	YEAR	LIC. NO.	LOCATION	NAMES	ADDRESSES	STOPPED FOR

ACCIDENTS

TIME	TYPE	LOCATION	INVOLVED PERSONS	ADDRESSES

ARRESTS

NAME	ADDRESS	CHARGE

DOORS / WINDOWS FOUND OPEN

NAME	ADDRESS	TIME	OWNER NOTIFIED	TIME

4/15/15 1500-1100

NOTES

1/60	C.D.S
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W. H. H. H.